

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2009-0015 / Reagan 290

**ZAP Date:** April 21, 2009  
April 7, 2009

**ADDRESS:** 9211 East Highway US 290

**OWNER:** Reagan National Advertising (William Reagan)

**AGENT:** Texas Design Interest, LLC (Jeff Shindler)

**ZONING FROM:** I-RR / DR      **TO:** LI      **AREA:** 4 acres (174,240 sq. ft.)

**SUMMARY STAFF RECOMMENDATION:** Staff recommends approval of LI-CO (Limited Industrial Services district – Conditional Overlay). The Conditional Overlay would limit the vehicle trips to less than 2000 per day.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:** On April 21, 2009, Zoning and Platting Commission *APPROVED* staff's recommendation for LI-CO district zoning; was approved on the Consent Agenda by Commissioner Donna Tiemann's motion, Commissioner Jay Gohil second the motion on a vote of 4-0; Commissioners Betty Baker, Keith Jackson and Teresa Rabago were absent.

Staff read into the record that pawnshops & adult oriented businesses were NOT allowed under LI zoning.

**ISSUES:** At the April 7, 2009 meeting, the Zoning and Platting Commission requested that the applicant review the land use classification chart and suggested that the applicant consider restricting the uses on the property to GR, Community Commercial district uses and only those LI uses which currently exist on the property. City staff has discussed this request with the applicant, and for further clarification the applicant spoke with the Committee Chair.

For information Pawn Shop Services and Adult Oriented Businesses are prohibited uses in the LI district.

**DEPARTMENT COMMENTS:** The 4-acre site is currently zoned I-RR (Interim Rural Residence) and DR (Development Reserve) district zoning, and is located on the southwest corner of East US 290 Highway and Ferguson Cut-Off. The property currently has driveway access from US 290 Highway and Ferguson Cut-Off to which both ingress and egress access is taken.

The subject site is currently developed with a one-story metal with a stone veneer façade office and warehouse building occupied by Reagan National Advertising. The existing use is general warehousing and distribution, and is a nonconforming use given that the use was in existence prior to annexation in 2004. As the US Hwy 290 road expansion nears the construction phase, Reagan National Advertising recognizes that the land area occupied by the existing building is likely to be acquired by TxDOT, as shown in the attached exhibits. A possibility of relocation is further back on the same property. LI zoning is the most appropriate district for the existing business. The remaining area could be sold off or developed into a warehouse distribution center similar to the existing facilities directly to the south and north of the site.

Staff recommends LI, Limited Industrial Service combining district zoning. The LI zoning district would be compatible with the existing zoning and land uses in the area. There are warehouse and distribution facilities directly to the south and north of the site.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	DR / I-RR	Reagan National Advertising – Office and Warehousing
<i>North</i>	DR	DeCoty's – Manufacturing / Warehousing and Distribution
<i>South</i>	I-RR	Business Center – Warehousing and Distribution
<i>East</i>	DR / I-RR	Undeveloped
<i>West</i>	GO-CO	Pay-less Convenience Store and Shell Gas Station – Food Sales / Service Station

**AREA STUDY:** The property does not lie within a designated neighborhood planning area.

**TIA:** A traffic impact analysis was not required for this case.

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS**

Home Builders Association of Greater Austin  
Austin Neighborhoods Council  
Homeless Neighborhood Organization  
Bluebonnet Hills Assoc.  
NorthEast Action Group  
Austin Parks Foundation  
L.B.J. Neighborhood Assn.  
League of Bicycling Voters

**RELATED CASES:** The subject property (the Ferguson Cutoff area) consisting of approximately 97 acres was annexed into the city limits on November 18, 2004 (C7a-04-021) under Ordinance No. 041118-13.

**CASE HISTORIES**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-03-0054 9105 E US HWY 290 - SPEEDY STOP 216	From DR to GR	4/15/2003 APVD STAFF ALT REC OF GR-CO BY CONSENT (9-0). The CO limits vehicle trips to less than 2,000 per day.	5/22/2003 APVD GR-CO (7-0); ALL 3 RDGS
C14-05-0164 E US HWY 290 –	From DR and I-RR to GR-CO (TR 1) and LI-	12/06/2005 APVD STAFF REC OF GR-CO (TR 1) and LI-CO	7/27/2006 APVD GR-CO

WATSON TRACT ZONING	CO (TR 2)	(TR 2) BY CONSENT (7-0). The CO limits vehicle trips to less than 2,000 per day.	(TR 1), LI-CO (TR 2); (7-0); ALL 3 RDGS
C14-96-0030 8801 E US HWY 290 - 8801 HWY. 290 EAST		3/26/1996 APVD STAFF REC OF GR (7-0)	6/6/1996 APVD GR-CO SUBJ TO CONDS (6-0); 2ND/3RD RDGS - 1/16/1997 APVD AMDG ORD. 960606-G CORRECTING R-O-W (6-0)
C14-00-2120 8331 BLOCK OF 8201 1/2 TUSCANY WY- HIGHWAY 290 & TUSCANY	From GR-CO to LI-CO (TR 1) Condition trips per TIA and LI-CO (TR 2) Condition trips per TIA, prohibited uses, and prohibited access to NH streets.	8/22/2000 APVD LI-CO (TR 1); W/LO (TR 2); INCLUDE THE PROHIBITIONS, NO DRIVEWAY ON SPRINGDALE OR SANSOM (7-1; SL-NAY); SA-ABSENT	12/7/2000 APVD LI-CO (7-0) W/CONDS AGREED TO BY NHOOD FOR TRACTS 1 & 2
C14-98-0188 8309 - 8409 BLOCK OF TUSCANY WY - TUSCANY WAY AT HIGHWAY 290 (EAST)	From DR and I-RR to LI-CO (TR 1) and GR-CO (TR 2)	5/18/1999 APVD ON CONSENT (8-0)	7/22/1999 APVD LI-CO (1); GR-CO (2) W/CONDS (7-0) 2ND/3RD RDS -Conditions trips per TIA, Prohibited Access to NH Streets and Prohibited uses
C14-97-0111 US HWY 290 AT TUSCANY - 290/TUSCANY BUSINESS PARK	From I-RR to GR (TR 1 & 2) and LI (TR 3)	1/6/1998 APVD STAFF ALT REC OF GR-CO (1&2), LI-CO (3) BY CONSENT (7-0-1, AN-ABSTAIN)	1/22/1998 APVD PC REC OF GR-CO (1&2) & LI-CO (3) W/CONDS (7-0) ALL 3 RDGS - CO less than 2,000 vehicle trips per day.
C14-06-0108 8210 SPRINGDALE RD - SPRINGDALE ROAD COMMERCIAL NO. 2, TRACT 1	From I-RR to LI-CO	6/20/2006 APVD STAFF REC OF LI-CO BY CONSENT (7-0)	7/27/2006 APVD LI-CO (7-0); ALL 3 RDGS - CO less than 2,000 vehicle trips per day.
C14-05-0214 4603 COMMERCIAL	From I-SF-2 to LI-CO	2/7/2006 APVD STAFF REC OF LI-CO BY CONSENT (6-0)	3/23/2006 APVD LI-CO

PARK DR - ANNEXATION ZONING			(7-0); 2ND/3RD RDGS - CO less than 2,000 vehicle trips per day.
C14-2008-0157 4707 COMMERCIAL PARK DR - Wolf Rezoning	From I-SF-2 to LI	8/19/2008 Apvd staff rec of LI- CO by consent (7-0)	9/29/2008 Apvd staff rec of LI- CO by consent (7-0)- CO less than 2,000 vehicle trips per day.
C14-05-0216, 4803, 4807, and 4811 Commercial Park Dr.	I-SF-2 to LI-CO	2/7/2006 APVD STAFF REC OF LI-CO BY CONSENT (6-0)	3/23/2006 APVD LI-CO (7-0); 2ND/3RD RDGSD (Conditional Overlay- limits vehicle trips to less than 2,000 per day).
C14-05-0173, 4903 Commercial Park Dr.	I-SF-2 to LI-CO	12/6/2005 - APVD LI-CO BY CONSENT (7-0)	12/15/2005 APVD LI-CO (7- 0); ALL 3 RDGS (Conditional Overlay- limits vehicle trips to less than 2,000 per day).
C14-05-0156, 4909 Commercial Park Dr.	I-SF-2 to LI-CO	10/4/2005 - APVD STAFF REC OF LI BY CONSENT (6-0)	12/15/2005 - APVD LI-CO (7- 0); 2ND/3RD RDGS (Conditional Overlay- limits vehicle trips to less than 2,000 per day).
C14-05-0191, 5005 Commercial Park Dr.	I-SF-2 to CS-1-CO	12/6/2005 APVD STAFF REC OF CS-1-CO W/CONDS (7-0)	2/2/2006 APVD CS-1-CO (6-0); ALL 3 RDGS (Conditional Overlay Prohibits Cocktail Lounge and limits vehicle trips to less than 2,000 per day.)

**ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bike Route</b>	<b>Bus Routes</b>
US Hwy 290 W	246'	Varies	Highway	No	No	No
Furgeson Cut Off	60'	20'	Collector	No	No	No

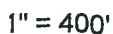
**CITY COUNCIL DATE:**

May 14, 2009

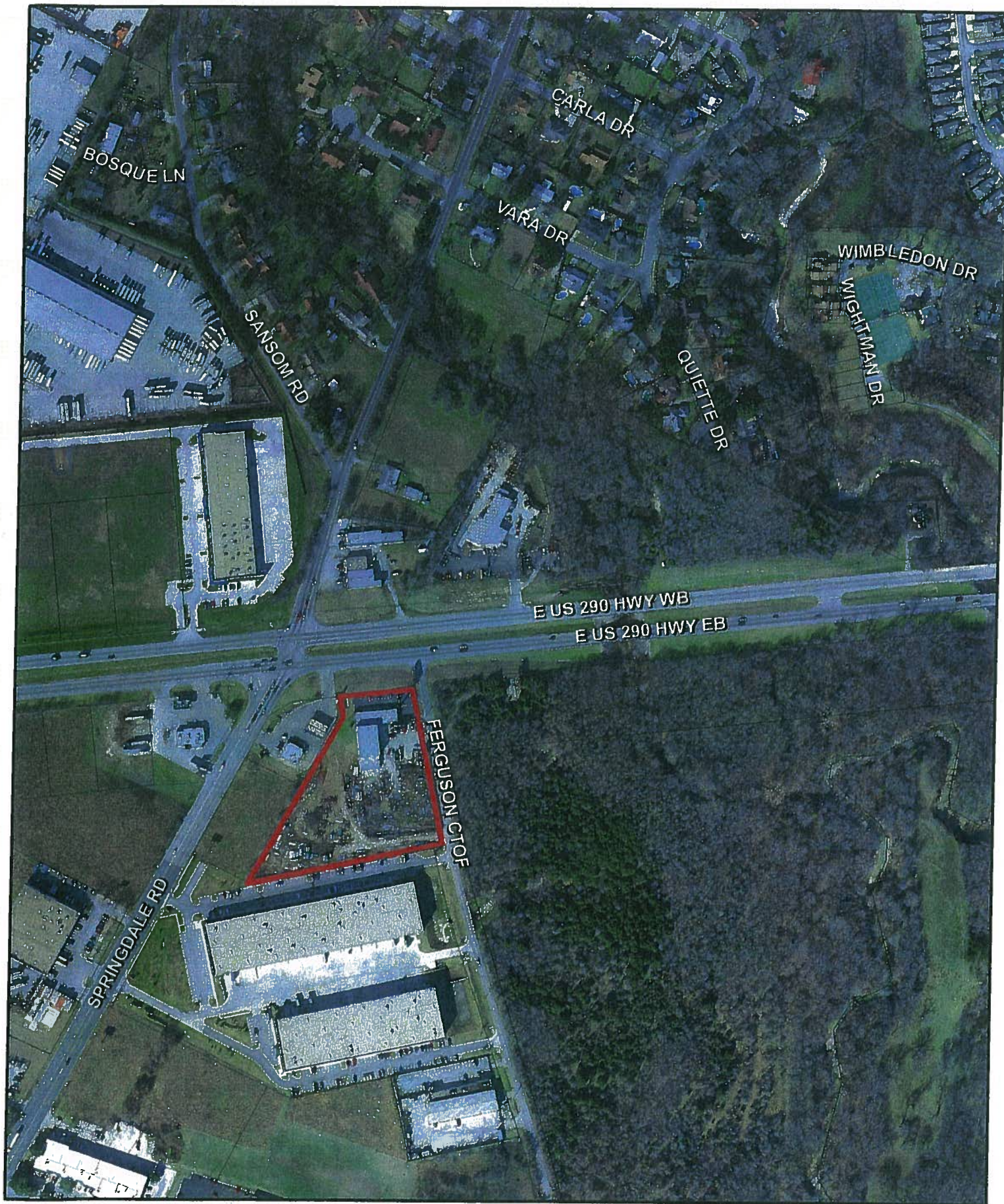
**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Joi Harden

e-mail address: joi.harden@ci.austin.tx.us

**PHONE:** 974-2122







**C14-2009-0015 9211 E. Hwy US 290**  
**From Interim Rural Residence (IRR) and Development**  
**Reserve (DR) to Limited Industrial Services (LI) District Zoning**





## **SUMMARY STAFF RECOMMENDATION**

Staff recommends approval of LI-CO (Limited Industrial Services district – Conditional Overlay). The Conditional Overlay would limit the vehicle trips to less than 2000 per day.

## **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *Zoning changes should be consistent with the purpose of the zoning district.*

Limited Industrial Services district (LI) is the designation for a commercial service use or limited manufacturing use generally located on a moderately sized site.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The LI zoning district would be compatible with the existing zoning and land uses in the area. There are warehouse and distribution facilities directly to the north and south of the site.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is developed with a one-story metal building with a stone veneer façade. The site is relatively flat with very light vegetation. The undeveloped tract to the east slopes steeply to a drainage feature.

### **Impervious Cover**

The maximum impervious cover allowed by the LI, Limited Industrial Services zoning district is 80% which is a consistent figure between the zoning and watershed regulations.

### **Transportation**

No additional right-of-way is needed at this time.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:



<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding trees or other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

### **Site Plan Review**

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

### **Compatibility Standards**

- a. The site is subject to compatibility standards. Along the East, South, and West property lines, the following standards apply:
- b. No structure may be built within 25 feet of the property line.
- c. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- d. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- e. for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- f. An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- g. No parking or driveways are allowed within 25 feet of the property line.
- h. A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- i. Additional design regulations will be enforced at the time a site plan is submitted.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

**SHEET**

DATE  
11-14-08

**PROJECT #**  
**183-112**

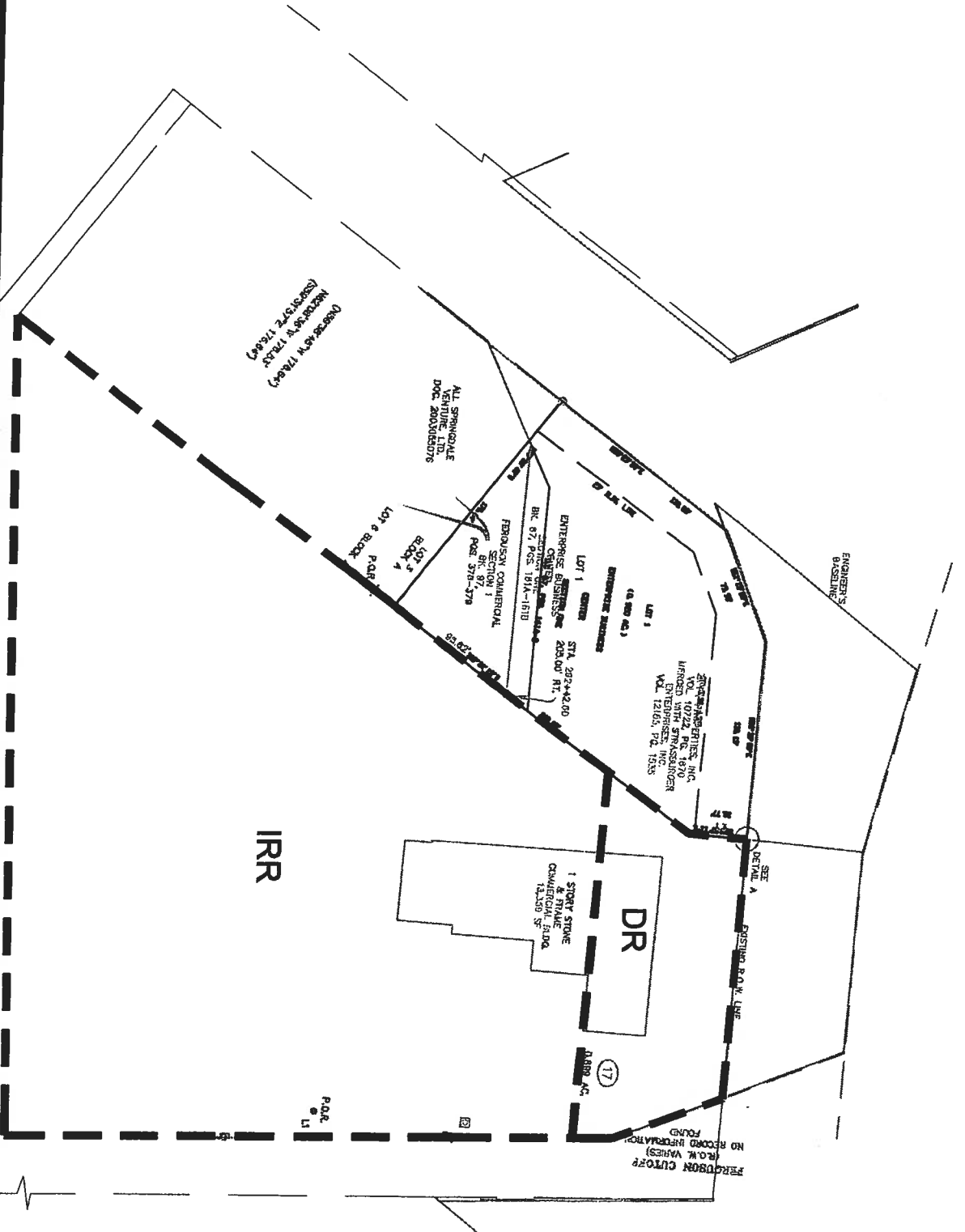
**PROPOSED REAGAN 290 DEVELOPMENT**  
**HWY 290 AND SPRINGDALE**  
**AUSTIN, TX**

# EXISTING ZONING EXHIBIT



**TEXAS  
DESIGN  
INTERESTS, LLC**  
6001 W. WILLIAM CANNON  
BUILDING 2, SUITE 203-C  
AUSTIN, TX 78749  
(512) 301-3389 (o)  
(512) 301-3348 (f)

SCALE: 1" = 100'



U.S. HIGHWAY 290  
(R.O.W. VARIES)

SPRINGDALE ROAD  
(R.O.W. VARIES)

(FUTURE ROW)

FUTURE  
WAREHOUSE  
USE

L1

L1

14,000 SF FUTURE OFFICE /  
WAREHOUSE BUILDING  
1400 ACRES REDEVELOPED

EXISTING POLE

SCALE: 1" = 100'

SHEET

EXH

DATE  
3/10/09

PROJECT #  
183-112

PROPOSED REAGAN 290 DEVELOPMENT  
HWY 290 AND SPRINGDALE  
AUSTIN, TX

PROPOSED ZONING EXHIBIT



TEXAS  
DESIGN  
INTERESTS, LLC  
AUSTIN • HOUSTON

COMMERCIAL/RESIDENTIAL - CIVIL & STRUCTURAL ENGINEERING

6001 W. WILLIAM CANNON  
BUILDING 2, SUITE 203-C  
AUSTIN, TX 78749  
(512) 301-3389 (o)  
(512) 301-3348 (f)



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number: C14-2009-0015**

**Contact:** Joi Harden,, (512) 974-2122

**Public Hearing:**

April 7, 2009 Zoning and Platting Commission

May 14, 2009 City Council

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Your Name (please print)

8503 SPRINGDALE ROAD

Your address(es) affected by this application

Signature

Date

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Joi Harden,}

P. O. Box 1088

Austin, TX 78767-8810



Austin • Houston

6001 W. William Cannon  
Bldg. 2, Suite 203-C  
Austin, TX 78749

(512) 301-3389 (o)  
(512) 301-3348 (f)

**March 10, 2009**

Joi Harden  
Watershed Protection and Development Review Department  
505 Barton Springs Road  
Austin, TX 78703

**RE: Zoning Application – Regan 290**

Dear Ms. Harden:

Please accept this letter as formal request to update the requested zoning for the referenced project from LI/CS-1 to just LI for the entire tract. Please let me know if you have any questions or if I can assist you in any way.

Sincerely,

Jeff Shindler, P.E.